

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

DALE CRAFT, O/B/O NATALIE D. CRAFT, Plaintiff	:	
	:	CIVIL ACTION NO. 3:20-658
v.	:	(JUDGE MANNION)
KILOLO KIJAKAZI, Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

Pending before the court is the November 19, 2021 report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's claims for a period of disability, supplemental security income under Title XVI, and disability insurance benefits under Title II of the Social Security Act be affirmed and the plaintiff's appeal be denied. (Doc. 25). The plaintiff has filed objections to the report, (Doc. 26), to which the Commissioner has not responded.¹

¹ Normally the Commissioner would either file a response or a letter indicating that no response will be forthcoming. The court believes that is a better practice than merely not responding.

Regardless, when objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. 28 U.S.C. §636(b)(1): Brown v. Astrue, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. Rieder v. Apfel, 115 F.Supp.2d 496, 499 (M.D. Pa. 2000) (citing United States v. Raddatz, 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The plaintiff Dale Craft, on behalf of Natalie Dawn Craft, deceased claimant, seeks judicial review of the Commissioner of the Social Security Administration's final decision finding that claimant was not disabled.

The plaintiff has raised one argument in her objections to Judge Cohn's report. Specifically, the plaintiff argues that substantial evidence does not support the ALJ's finding regarding the weight he afforded to the medical opinions pertaining to claimant's mental limitations from her depressive and anxiety disorders. The plaintiff contends that the ALJ cited to the entirety of the record to support his findings and, that ALJ failed to adequately explain conflicts in the opinions found in the record and failed to adequately explain why some opinions were rejected. No doubt that this argument was raised in the plaintiff's brief in support of her appeal and it was addressed thoroughly and in great detail by Judge Cohn in his report. (Doc. 25 at 5-14). Nonetheless, the court has reviewed the evidence of record as a whole and finds no clear error of record with regard to Judge Cohn's findings on the stated issue. Moreover, the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report. As such, the court will adopt the report and recommendation of Judge Cohn as the decision of the court.

In light of the foregoing, **IT IS HEREBY ORDERED THAT:**

- (1) The plaintiff's objections to the report and recommendation of Judge Cohn, (**Doc. 26**), are **OVERRULED**.
- (2) The report and recommendation of Judge Cohn, (**Doc. 25**), is **ADOPTED IN ITS ENTIRETY**, as the ruling of the court.
- (3) The plaintiff's appeal, (**Doc. 1**), of the Commissioner's final decision is **DENIED**.
- (4) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: January 6, 2022

20-658-01